

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

ORIGINAL

In re Application of )

MM Docket No. 93-155 )

RICHARD BOTT II )

File No. BAPH-920917GO )

and )

WESTERN COMMUNICATIONS, INC. )

For Assignment of Construction )  
Permit for Station KCVI(FM), )  
Blackfoot, Idaho )

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JUL 26 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Honorable Arthur I. Steinberg

CONTINGENT INFORMAL REQUEST FOR STAY

Radio Representatives, Inc. ("RRI"), by its attorneys, pursuant to Section 1.41 of the Commission's rules, hereby submits this Contingent Informal Request for Stay in response to the series of pleadings filed in the above-captioned proceeding by Richard P. Bott, II.

On July 21, 1993, RRI filed a Petition to Intervene in this proceeding. That Petition remains pending. On June 25, 1993, Bott filed a "Petition for Leave to File Petition for Reconsideration" and a "Petition for Reconsideration"; on July 6, 1993, Bott filed a "Motion to Delete Issue"; and on July 15, 1993, Bott filed a "Petition for Certification to Commission" (hereinafter collectively "Pleadings"). None of these Pleadings was served upon RRI, even though it was RRI's Petition to Deny the assignment application which precipitated the designation of the application for hearing. Indeed, the filing of these Pleadings was only discovered by RRI on Thursday, July 22, 1993, via a search of the Commission's records.

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Given the pending question of whether RRI is a "party" in this proceeding, RRI has not had a formal, or even an adequate opportunity to oppose Bott's Pleadings. Subject to the following paragraph, RRI urges the Presiding Judge to hold the disposition of Bott's Pleadings in abeyance until he has had an opportunity to rule on RRI's Petition to Intervene. Assuming RRI's Petition is granted, RRI would request that it be afforded an opportunity to respond to each of Bott's Pleadings by calculating the due date for each opposition starting from the date RRI's Petition is granted.

With the foregoing in mind, RRI notes with approval the Mass Media Bureau's "Opposition to Petition for Leave to File Petition for Reconsideration." filed July 8, 1993. RRI believes all of

WHEREFORE, for the foregoing reasons, RRI respectfully urges the Presiding Judge to hold the above-described Pleadings filed by Richard Bott in abeyance until the disposition of RRI's Petition to Intervene. In the alternative, RRI urges the Presiding Judge to deny Bott's Pleadings independent of a determination on RRI's party

CERTIFICATE OF SERVICE

I, Michelle Jarrett, a secretary of the law firm of Arter & Hadden, hereby certify that on this day, July 26, 1993, a copy of the foregoing CONTINGENT INFORMAL REQUEST FOR STAY was served by, unless otherwise indicated, first class U.S. mail, postage prepaid, upon the following persons:

\*Honorable Arthur I. Steinberg  
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\* Via Hand Delivery